

Message Text

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TAGS: UNGA, SHUM

SUBJ: 29TH GA--HUMAN RIGHTS COMMISSION--DUTCH COMMENTS ON
LONG-TERM PROGRAM OF WORK (RES 10(XX))

1. TRANSMITTED BELOW IS DRAFT OF COMMENTS BY NETHERLANDS
GOVT PURSUANT TO RES 10(XX) OF THE COMMISSON ON
HUMAN RIGHTS, IN GIVING DRAFT TO MISOFF, DUTCH REP
(SPEEKENBRINK) INDICATED HE WOULD BE MOST APPRECIATIVE
OF USG COMMENTS ON HIS PAPER. MISSION WOULD LIKE TO BE
RESPONSIVE AND WOULD APPRECIATE APPROPRIATE GUIDANCE
FROM DEPT.

QTE: 1. THE COMMISSION ON HUMAN RIGHTS HAS AN IMPORTANT
ROLE TO PLAY IN UNITED NATIONS' EFFORTS TO PROMOTE
AND ENCOURAGE RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS. THE HUMAN RIGHTS PROGRAMME IS MAINLY CARRIED
OUT THROUGH THE FOLLOWING METHODS: DEVELOPING INTERNATIONAL
STANDARDS, CONDUCTING STUDIES AND EDUCATIONAL PROGRAMMES,
AND ESTABLISHING WAYS AND MEANS FOR THE IMPLEMENTATION
OF HUMAN RIGHTS, INCLUDING ACTION ON HUMAN RIGHTS
VIOLATIONS.

2. FOR MANY YEARS THE COMMISSION IS FACING SERIOUS
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DIFFICULTIES IN DEALING EFFICIENTLY WITH ITS WORK.

THESE DIFFICULTIES STEM PARTLY FROM FACTORS WHICH THE COMMISSION ITSELF IS HARDLY ABLE TO RECTIFY. FIRSTLY, THE POLITICAL FACTOR OF DIVERGENCE OF VIEWS AMONG MEMBER-STATES AS TO THE LEGITIMACY, URGENCY AND WEIGHT OF ITEMS. SECONDLY, THE ORGANIZATION FACTOR OF DIRECTIVES RECEIVED FROM HIGHER UNITED NATIONS ORGANS, BOTH IN RESPECT OF INDIVIDUAL ITEMS TO BE CONSIDERED AND OF THE DEGREE OF PRIORITY TO BE ACCORDED TO THEM.

3. IT IS NEVERTHELESS OPEN TO DOUBT WHETHER THE PRESENT METHODS OF WORK OF THE COMMISSION ARE SUFFICIENTLY ADAPTED TO THE REQUIREMENTS OF TODAY. IT WOULD SEEM THAT THE COMMISSION'S FUNCTIONING IS STILL BASED ON PREMISES AND PRACTICES OF THE EARLY DAYS OF THE UNITED NATIONS, WHEN THE COMMISSION WAS MAINLY PERFORMING LONG-TERM WORK, IN PARTICULAR PREPARING INTERNATIONAL INSTRUMENTS AND, TOGETHER WITH THE SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND THE PROTECTION OF MINORITIES, CONDUCTING STUDIES.

4. IN MORE RECENT YEARS, THE AWARENESS HAS DEVELOPED THAT THE COMMISSION HAS ALSO RESPONSIBILITIES WITH REGARD TO CURRENT AND URGENT HUMAN RIGHTS SITUATIONS. THE COMMISSION ESTABLISHED ITS AD HOC WORKING GROUP OF EXPERTS, WHICH IS KEEPING THE HUMAN RIGHTS SITUATION IN SOUTHERN AFRICA UNDER CLOSE REVIEW. THE COMMISSION ALSO DECIDED TO STUDY SITUATIONS WHICH REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AND A NEW PROCEDURE WAS ESTABLISHED FOR THE EXAMINATION OF COMMUNICATIONS FROM NON-GOVERNMENTAL SOURCES. IN THIS RESPECT SPECIFIC TASKS WERE ALSO ENTRUSTED TO THE SUB-COMMISSION.

5. THERE IS NOW A DEFINITE TENDENCY IN THE UNITED NATIONS TO MAKE THE ORGANISATIONS MORE RESPONSIVE TO EMERGENCY SITUATIONS AND IMMEDIATE NEEDS. AN AWARENESS HAS GROWN THAT NOT ONLY ACUTE SITUATIONS AFFECTING INTERNATIONAL PEACE AND SECURITY BUT ALSO EMERGENCIES IN THE ECONOMIC AND SOCIAL FIELD SHOULD BE TACKLED IN A MORE EXPENDITIOUS MANNER WITHIN THE UNITED NATIONS SYSTEM. IT FOLLOWS FROM THIS THAT THE UNITED NATIONS CANNOT REMAIN ALOOF IN CASES WHERE, ON A LARGE SCALE, FREEDOM FROM FEAR AND FREEDOM LIMITED OFFICIAL USE

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FROM WANT ARE SERIOUSLY JEOPARDIZED. IT IS, THEREFORE, OF BASIC IMPORTANCE THAT HUMAN RIGHTS WORKING METHODS BE ADAPTED SO AS TO ENABLE THE COMMISSION, ITS SUB-ORGANS OR ANY OTHER COMPETENT UNITED NATIONS BODY TO DEAL MORE SYSTEMATICALLY, SPEEDILY AND EFFECTIVELY WITH HUMAN RIGHTS EMERGENCIES. VARIOUS WAYS AND MEANS MAY BE DEvised FOR THIS PURPOSE, SUCH AS CONVENING EMERGENCY SESSIONS OF THE COMMISSION OR OF ITS BUREAU AND ENLARGING

THE MANDATE OF THE AD HOC WORKING GROUP OF EXPERTS.

6. WHILE IT IS HIGHLY DESIRABLE TO MAKE SPECIFIC PROVISIONS FOR EMERGENCY SITUATIONS, MUCH CAN BE DONE TO IMPROVE AND STREAMLINE THE REGULAR WORK PROGRAMME OF THE COMMISSION AND ITS SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES. FOR THIS REASON, THE DELEGATIONS OF AUSTRIA, ECUADOR, IRAN AND THE NETHERLANDS PUT FORWARD A DRAFT RESOLUTION (E/C.4/L.1283) AT THE THIRTIETH SESSION OF THE COMMISSION PROPOSING THAT A DRAFT PROGRAMME OF WORK FOR THE COMMISSION BE DRAWN UP IN THE LIGHT OF THE CYCLE OF PERIODIC REPORTS ON HUMAN RIGHTS AND TAKING INTO ACCOUNT THE ACTIVITIES OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES. THE DRAFT RESOLUTION FURTHER PROPOSED THAT, IN DOING SO, PARTICULAR ATTENTION SHOULD BE PAID TO:

A. ITEMS WHICH, OWING TO THEIR URGENT AND CONTINUOUS NATURE, NEED ANNUAL EXAMINATION, SUCH AS POLICIES AND PRACTICES OF RACIAL DISCRIMINATION, APARTHEID AND COLONIALISM IN SOUTHERN AFRICA,

B. ITEMS WHICH CAN BE GROUPED WITH THE CONSIDERATION OF PERIODIC REPORTS ON CIVIL AND POLITICAL RIGHTS, ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS OR ON FREEDOM OF INFORMATION,

C. ITEMS WHICH ARE RELATED TO SUCH OTHER QUESTIONS AS THE RIGHT TO SELF-DETERMINATION, SCIENCE AND TECHNOLOGY, THE HUMAN ENVIRONMENT, POPULATION AND CRIMINAL LAW AND PROCEDURE AND WHICH MAY BE CONSIDERED AT PROPER TIME INTERVALS WITH AN INDICATION OF THE LATTER.

7. FINALLY, THERE IS REASON FOR CONCERN THAT TOO MANY STUDIES ARE NOW CONCURRENTLY UNDERTAKEN AS PART OF LIMITED OFFICIAL USE

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THE ACTIVITIES OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES. THIS WILL UNAVOIDABLY LEAD TO A SORT OF BOTTLE-NECK SITUATION IN THE SUB-COMMISSION'S AND THE COMMISSION'S WORK. IT IS SUGGESTED THAT FOR SUCH STUDIES MORE USE SHOULD BE MADE OF THE ADVISORY SERVICES PROGRAMME IN THE FIELD OF HUMAN RIGHTS AND, POSSIBLY, OF THE UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH. UNQTE.
BENNETT

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